

106TH CONGRESS  
2D SESSION

# S. 2920

To amend the Indian Gaming Regulatory Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 25, 2000

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To amend the Indian Gaming Regulatory Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Gaming Regu-  
5 latory Improvement Act of 2000”.

6 **SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGU-**  
7 **LATORY ACT.**

8 The Indian Gaming Regulatory Act (25 U.S.C. 2701 et  
9 seq.) is amended—

10 (1) in section 7 (25 U.S.C. 2706)—

11 (A) in subsection (c)—

1 (i) in paragraph (3), by striking  
2 “and” at the end thereof;

3 (ii) by redesignating paragraph (4) as  
4 paragraph (5); and

5 (iii) by inserting after paragraph (3),  
6 the following:

7 “(4) performance plans created under sub-  
8 section (d), including copies of such plans; and”; and

9 (B) by adding at the end the following:

10 “(d) PERFORMANCE PLANS.—The Commission shall  
11 be subject to the requirements of section 306 of title 5,  
12 United States Code, and sections 1115 and 1116 of title  
13 31, United States Code (as added by the Government Per-  
14 formance and Results Act (Public law 103–62)). Not later  
15 than 1 year after the date of enactment of the Indian  
16 Gaming Regulatory Improvement Act of 2000, the Com-  
17 mission shall prepare and submit the initial strategic plan  
18 required under such section 306 to the Director of the  
19 Office of Management and Budget.”;

20 (2) in section 11(b)(2)(F)(i) (25 U.S.C.  
21 2710(b)(2)(F)(i)), by striking “primary manage-  
22 ment” and all that follows through “such officials”  
23 and inserting “tribal gaming commissioners, tribal  
24 gaming commission employees, and primary manage-  
25 ment officials and key employees of the gaming en-

1       terprise and that oversight of primary management  
2       officials and key employees”;

3               (3) by redesignating section 22 (25 U.S.C.  
4       2721) as section 26; and

5               (4) by inserting after section 21 (25 U.S.C.  
6       2720) the following:

7       **“SEC. 22. FEE ASSESSMENTS.**

8               “(a) ESTABLISHMENT OF SCHEDULE OF FEES.—

9               “(1) IN GENERAL.—Except as provided in this  
10       section, the Commission shall establish a schedule of  
11       fees to be paid annually to the Commission by each  
12       gaming operation that conducts a class II or class  
13       III gaming activity that is regulated by this Act.

14               “(2) RATES.—The rate of fees under the sched-  
15       ule established under paragraph (1) that are im-  
16       posed on the gross revenues from each activity de-  
17       scribed in such paragraph shall be as follows:

18               “(A) A fee of not more than 2.5 percent  
19       shall be imposed on the first \$1,500,000 of  
20       such gross revenues.

21               “(B) A fee of not more than 5 percent  
22       shall be imposed on amounts in excess of the  
23       first \$1,500,000 of such gross revenues.

24               “(3) TOTAL AMOUNT.—The total amount of all  
25       fees imposed during any fiscal year under the sched-

1       ule established under paragraph (1) shall not exceed  
2       \$8,000,000.

3       “(b) COMMISSION AUTHORIZATION.—

4               “(1) IN GENERAL.—By a vote of not less than  
5       2 members of the Commission the Commission shall  
6       adopt the schedule of fees provided for under this  
7       section. Such fees shall be payable to the Commis-  
8       sion on a quarterly basis.

9               “(2) FEES ASSESSED FOR SERVICES.—The ag-  
10       gregate amount of fees assessed under this section  
11       shall be reasonably related to the costs of services  
12       provided by the Commission to Indian tribes under  
13       this Act (including the cost of issuing regulations  
14       necessary to carry out this Act). In assessing and  
15       collecting fees under this section, the Commission  
16       shall take into account the duties of, and services  
17       provided by, the Commission under this Act.

18               “(3) FACTORS FOR CONSIDERATION.—In mak-  
19       ing a determination of the amount of fees to be as-  
20       sessed for any class II or class III gaming activity  
21       under the schedule of fees under this section, the  
22       Commission may provide for a reduction in the  
23       amount of fees that otherwise would be collected on  
24       the basis of the following factors:

1           “(A) The extent of the regulation of the  
2           gaming activity involved by a State or Indian  
3           tribe (or both).

4           “(B) The extent of self-regulating activi-  
5           ties, as defined by this Act, conducted by the  
6           Indian tribe.

7           “(C) Other factors determined by the Com-  
8           mission, including

9                   “(i) the unique nature of tribal gam-  
10                  ing as compared to commercial gaming,  
11                  other governmental gaming, and charitable  
12                  gaming;

13                  “(ii) the broad variations in the na-  
14                  ture, scale, and size of tribal gaming activ-  
15                  ity;

16                  “(iii) the inherent sovereign rights of  
17                  Indian tribes with respect to regulating the  
18                  affairs of Indian tribes;

19                  “(iv) the findings and purposes under  
20                  sections 2 and 3; and

21                  “(v) any other matter that is con-  
22                  sistent with the purposes under section 3.

23           “(4) CONSULTATION.—In establishing a sched-  
24           ule of fees under this section, the Commission shall  
25           consult with Indian tribes.

1 “(c) TRUST FUND.—

2 “(1) ESTABLISHMENT.—There is established in  
3 the Treasury of the United States a fund to be  
4 known as the Indian Gaming Trust Fund (referred  
5 to in this subsection as the ‘Trust Fund’), consisting  
6 of such amounts as are—

7 “(A) transferred to the Trust Fund under  
8 paragraph (2)(A);

9 “(B) appropriated to the Trust Fund; and

10 “(C) any interest earned on the investment  
11 of amounts in the Trust Fund under subsection  
12 (d).

13 “(2) TRANSFER OF AMOUNTS EQUIVALENT TO  
14 FEES.—

15 “(A) IN GENERAL.—The Secretary of the  
16 Treasury shall transfer to the Trust Fund an  
17 amount equal to the aggregate amount of fees  
18 collected under this section.

19 “(B) TRANSFERS BASED ON ESTIMATES.—  
20 The amounts required to be transferred to the  
21 Trust Fund under subparagraph (A) shall be  
22 transferred not less frequently than quarterly  
23 from the general fund of the Treasury to the  
24 Trust Fund on the basis of estimates made by  
25 the Secretary of the Treasury. Proper adjust-

1           ment shall be made in amounts subsequently  
2           transferred to the extent prior estimates were  
3           in excess of or less than the amounts required  
4           to be transferred.

5           “(d) INVESTMENTS.—

6           “(1) IN GENERAL.—It shall be the duty of the  
7           Secretary of the Treasury to invest such portion of  
8           the Trust Fund as is not, in the judgment of the  
9           Secretary of the Treasury, required to meet current  
10          withdrawals. The Secretary of the Treasury shall in-  
11          vest the amounts deposited under subsection (c) only  
12          in interest-bearing obligations of the United States  
13          or in obligations guaranteed as to both principal and  
14          interest by the United States.

15          “(2) SALE OF OBLIGATIONS.—Any obligation  
16          acquired by the Trust Fund, except special obliga-  
17          tions issued exclusively to the Trust Fund, may be  
18          sold by the Secretary of the Treasury at the market  
19          price, and such special obligations may be redeemed  
20          at par plus accrued interest.

21          “(3) CREDITS TO TRUST FUND.—The interest  
22          on, and proceeds from, the sale or redemption of,  
23          any obligations held in the Trust Fund shall be  
24          credited to and form a part of the Trust Fund.

25          “(e) EXPENDITURES FROM TRUST FUND.—

1           “(1) IN GENERAL.—Amounts in the Trust  
2           Fund shall be available to the Commission, as pro-  
3           vided for in appropriations Acts, for carrying out the  
4           duties of the Commission under this Act.

5           “(2) WITHDRAWAL AND TRANSFER OF  
6           FUNDS.—Upon request of the Commission, the Sec-  
7           retary of the Treasury shall withdraw amounts from  
8           the Trust Fund and transfer such amounts to the  
9           Commission for use in accordance with paragraph  
10          (1).

11          “(f) LIMITATION ON TRANSFERS AND WITH-  
12          DRAWALS.—Except as provided in subsection (e)(2), the  
13          Secretary of the Treasury may not transfer or withdraw  
14          any amount deposited under subsection (c).

15       **“SEC. 23. MINIMUM STANDARDS.**

16          “(a) CLASS I GAMING.—Notwithstanding any other  
17          provision of law, class I gaming on Indian lands shall be  
18          within the exclusive jurisdiction of the Indian tribes and  
19          shall not be subject to the provisions of this Act.

20          “(b) CLASS II GAMING.—Effective on the date of en-  
21          actment of this section, an Indian tribe shall retain the  
22          rights of that Indian tribe, with respect to class II gaming  
23          and in a manner that meets or exceeds the minimum Fed-  
24          eral standards established under section 11, to—

25               “(1) monitor and regulate that gaming;



1           “(2) conduct background investigations; and

2           “(3) establish and regulate internal control sys-  
3       tems.

4       “(c) CLASS III GAMING UNDER A COMPACT.—With  
5       respect to class III gaming that is conducted under a com-  
6       pact entered into under this Act, an Indian tribe or a  
7       State (or both), as provided for in such a compact or a  
8       related tribal ordinance or resolution shall, in a manner  
9       that meets or exceeds the minimum Federal standards es-  
10      tablished by the Commission under section 11—

11           “(1) monitor and regulate that gaming;

12           “(2) conduct background investigations; and

13           “(3) establish and regulate internal control sys-  
14      tems.

15       “(d) RULEMAKING.—The Commission may promul-  
16      gate such regulations as may be necessary to carry out  
17      this section.

18      **“SEC. 24. USE OF NATIONAL INDIAN GAMING COMMISSION**

19                      **CIVIL FINES.**

20       “(a) USE OF FUNDS.—The Secretary may provide  
21      grants and technical assistance to Indian tribes from any  
22      funds secured by the Commission pursuant to section 14,  
23      which funds shall be made available only for the following  
24      purposes:

1           “(1) To provide technical training and other as-  
2           sistance to Indian tribes to strengthen the regulatory  
3           integrity of Indian gaming.

4           “(2) To provide assistance to Indian tribes to  
5           assess the feasibility of non-gaming economic devel-  
6           opment activities on Indian lands.

7           “(3) To provide assistance to Indian tribes to  
8           devise and implement programs and treatment serv-  
9           ices for individuals diagnosed as problem gamblers.

10          “(4) To provide other forms of assistance to In-  
11          dian tribes not inconsistent with the Indian Gaming  
12          Regulatory Act.

13          “(b) CONSULTATION.—In carrying out this section,  
14          the Secretary shall consult with Indian tribes and any  
15          other appropriate tribal or Federal officials.

16          “(c) REGULATIONS.—The Secretary may promulgate  
17          such regulations as may be necessary to carry out this  
18          section.

19          **“SEC. 25. REGULATIONS.**

20          “(a) IN GENERAL.—

21                 “(1) PROMULGATION.—Not later than 90 days  
22                 after the date of enactment of the Indian Gaming  
23                 Regulatory Improvement Act of 2000, the Secretary  
24                 shall develop procedures under subchapter III of  
25                 chapter 5 of title 5, United States Code, to negotiate

1 and promulgate regulations relating to the classifica-  
2 tion of games conducted by Indian tribes pursuant  
3 to this Act.

4 “(2) PUBLICATION OF PROPOSED REGULA-  
5 TIONS.—Not later than 1 year after the date of en-  
6 actment of the Indian Gaming Regulatory Improve-  
7 ment Act of 2000, the Secretary shall publish in the  
8 Federal Register proposed regulations to implement  
9 the amendments made by such Act.

10 “(b) COMMITTEE.—A negotiated rulemaking com-  
11 mittee established pursuant to section 565 of title 5,  
12 United States Code, to carry out this section shall be com-  
13 posed only of Federal and Indian tribal government rep-  
14 resentatives, a majority of whom shall be nominated by  
15 and be representative of Indian tribes that conduct gam-  
16 ing pursuant to this Act.”.

17 **SEC. 3. APPLICATION OF GOVERNMENT PERFORMANCE**  
18 **AND RESULTS ACT.**

19 Section 306(f) of title 5, United States Code, is  
20 amended by inserting “and includes the National Indian  
21 Gaming Commission,” after “section 105,”.

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